# U.S. Environmental Protection Agency
# Public Meeting

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EPA Offices
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MR. BROWNING: I think we're ready to get started here, pretty much on time. My name is Adam Browning, I'm here from region 9, In the TRI program coordinator. I just wanted to say, first, welcome, thanks for coming, everybody, and secondly, I just want to let you know where the bathrooms are, which is down the hall left and at the end of the hall. Emergency procedures, go out to the main lobby and exit either way. And with that I will turn it over. Today we have Michelle Price and Maria Doa, Maria is the head of the Toxic Release Inventory branch back at headquarters and Michelle works there as well, and I'll let you get started.

MS. PRICE: Good morning, I'm happy to welcome everybody to today's meeting on the Toxic Release Inventory. This is the second of a series of meetings that we plan to have around the country over the next year. I would also like to thank Adam Browning and Patty Monahan for hosting this meeting. The purpose of these meetings is to obtain comments from stakeholders on ways to improve the type of right to know information available to communities and to help streamline right-to-know reporting to ease the paperwork burden for businesses affected by the requirements. We are seeking your advice and counsel as we look for ways to improve the Toxic Release Inventory program, which I think has been a very successful program over the years in terms of putting information into the hands of people.

When we finalized the expansion of the types of industries that had to report to TRI eariler this year, one of the things that Vice President Gore announced was that we would have an extensive stakeholder process to comprehensively evaluate the current reporting forms and reporting practices relating to the TRI program. These public meetings, along with a federal advisory committee called the Toxics Data Reporting Committee, are the mechanisms we are planning to use to conduct this evaluation. The TDR committee is made up of people from environmental groups, community groups, industry states and some representatives from federal and local governments. We think that this is a unique opportunity to improve the data, improve the way the information is collected,and improve how the information is presented to make it more useful for communities.

I'm going to turn this over to Michelle Price to talk about the issues paper in a minute, but I would just like to talk about the logistics for the speakers. We'll need you to stand up and speak into the microphone next to Adam to announce your name, your organization. There will be about ten minutes allotted per speaker and questions, people can ask questions afterwards, if you would state your name, your organization and your question then I will repeat all that because it has to be said into the microphone and it will save you from having to go and stand up. So I'll turn it over to Michelle Price.

MS. PRICE: Okay, great, thanks again for coming to the meeting, we look forward to hearing your com-

ments. Let me just reiterate that this is the second of nine meetings that we're going to be having to get input on the type of right to know information available to communities and to help streamline the right to know reporting to ease the paperwork burden. The first thing that I want to mention if you haven't seen it already is under the TRI home page we've got a number of documents and information posted with regard to this process. If you get onto the TRI home page there's a heading underneath that called "TRI Stakeholder Dialogue." The first subheading under that is "NACEPT Toxics Data Reporting Committee" which Maria referred to earlier that is the federal advisory committee we have looking into these issues. The second heading is "TRI Public Meetings" which announces these public meetings. There is a federal register notice which announces this meeting and the one we're having in Chicago later this week and the one we had in Washington, D.C., last week. We plan to have more meetings across the country and when the federal register notice is published announcing the dates and locations of those additional meetings, that will also be up under this heading on the home page. Also, the issue paper that we put together for this meeting is available there as well. So if you don't know where the home page is already, it's www.epa.gov/opptintr/tri, and underneath that it's TRI Stakeholder Dialogue. Everybody get that, anybody want me to repeat that? Okay, www.epa.gov/opptintr/tri. So, anyway, a lot of information is available up there and with regard to the federal advisory committee, we have a list of the members that are on there, the agenda from the first meeting, and once a meeting summary from that meeting is complete that will be available up there too so you can see some of the dialogue that's gone on in the federal advisory committee if you're interested.

Now I want to take a few minutes to go over the issue paper that is up on the home page and that many of you received from Adam and Patty or myself. The first issue, well, let me explain a little bit about that issue paper, that's just something that we put together to give folks an understanding of some of the issues that we were interested in hearing comment on. That does not mean that your comments have to be limited to that. In the context of the current TRI program and its current reporting forms and reporting practices, we're interested in hearing any comments you have on ways to improve the type of right to know information or to help streamline the right to know reporting requirements to ease the paperwork burden. So to the issue paper, there are three issues that we outlined there, the first was with the EPA's interpretation of the definition release, particularly with respect to class I underground injection wells and RCRA subtitle C landfills. The issue basically is that several commenters think that EPA's interpretation of the definition of release will lead to a misperception that a reported EPCRA 313 release necessarily results in actual exposure of people or the environment to a toxic chemical. Basi-

cally we're interested in hearing suggestions on ways to collect and disseminate the data that are consistent with the agency's interpretation of the definition of release and would address concerns raised regarding public misperception.

The second issue that we outlined in the issue paper is about how chemicals transferred off site to publicly owned treatment works(POTWs) for further management are reported in section 6 of the form R. Some commentors believe that some quantity of the chemical sent to a POTW is treated or destroyed and, as a consequence, doesn't reach the environment. Other folks believe that users of the data may be misinterpreting the information to mean that all chemicals sent to a POTW are destroyed and thus not released to the environment. They believe the chemicals are only treated to a small degree and that the remainder of the chemical is released to the environment. In our issue paper we outlined a couple of ideas for addressing the issue and we welcome any comments that anyone else might have on other options to make this distinction more clear.

The final issue that we outlined in the issue paper pertains to section 8 of the form R. Section 8 collects information on waste managed at the facility, whether or not the waste was generated at the reporting facility. Some individuals are concerned about public misperception of the data in section 8 because of the focus on the amount of waste managed at the facility, not waste generated, and we're interested in obtaining comments from anybody on ways change section 8 of the form R which would continue to allow the user to assess wastes managed by the facility but would minimize the perception that the wastes reported in section 8 were generated by the reporting faciity.

FEMALE VOICE: I'm sorry, could you say that last thing one more time?

MS. PRICE: Sure, we're interested in getting ideas on ways that you could change section 8 which would continue to allow the user to assess waste managed by the facility but would minimize the perception that the waste reported was generated by the reporting facility. So it's the difference in generated versus managed.

So that, basically in a nutshell, are some of the issues we outlined in the issue paper, and, once again, that doesn't mean your comments have to be limited to those issues. So, unless there are any questions, I'd like to get started hearing comments from you all. Are there any questions about that? Okay, I've got a list here, sort of based on how people signed up or when they contacted me, although I've had a couple of folks who let me know that they need to speak earlier rather than later, so I would like to go to those folks first. And, also, when we get through our list of people who signed up advance, we'll ask if there's anybody else who would like to make any comments who didn't register or maybe I had down as attendee and they've now decided they want to speak. I think we'll have time to

do that if we stick to our ten minutes a piece. So the first person that I have Greg Karras.

MR. KARRAS: Should I stand up?

MS. PRICE: Yes, please.

MR. KARRAS: Could I ask a question before I start?

MS. PRICE: Sure.

MR. KARRAS: When I'm speaking I'm speaking to the people in this room and the record or are there others listening upstairs at EPA?

MR. BROWNING: There's one person patched through on speaker phone.

MS. PRICE: Yes, I should mention, we have Steve Brittle from Don't Waste Arizona on the phone.

MS. BISTER: Hi, Steve.

MR. BRITTLE: Howdie.

MR. KARRAS: Hi, Steve.

MR. BRITTLE: Hi.

MR. KARRAS: Glad I asked, it's Greg Karras from CBE.

MS. BISTER: I was going to raise your concern, Steve, this is Leslie.

MR. BRITTLE: Hi.

MR. BROWNING: Just to answer your question, this is for the transcript as well, so no one else is listening.

MR. KARRAS: Great, thank you.

MS. PRICE: Yes, we plan to have transcripts of each of these meetings available in the public record, we have a docket started.

MR. KARRAS: Great. Could you help me pass out some stuff to the folks here. This will help just talk as opposed to having to hit every point. I'm Greg Karras, I'm a senior scientist with Communities for a Better Environment. CBE has several thousand California members, we work in the greater LA and San Francisco Bay areas to improve public health, mostly on urban pollution problems. To put it real bluntly, we use law, science, community organizing, to help the folks who are the most highly exposed and imperiled by toxic pollution to get a seat at the negotiating table with government and especially with industry. And we have helped, I've helped about 150 communities make changes that prevented pollution at 150 industries in 14 years with CVE, so I'm sort of an expert on pollution prevention. And we use the Toxic Release Inventory all the time in our work, so thank you for making it and maintaining it and we hope improving it.

The main thing I wanted to talk about is some things that I think are very basic to the whole program. You know, the word community is I think important in the title of the law, the Community Right to Know Act, the short title anyway. Right now we're working with communities who fish San Francisco Bay, these are folks who fish for food to feed their families and eat up to about a pound of fish a day as a maximum, which is 50 times more than the health warnings. Official health warnings for dioxin and other toxics in say the fish are

safe, and that's if you believe the state about what's said. A very highly exposed population, and one of the communities we're working with in our dioxin work is the community of Richmond. Richmond is the site of Chevron's refinery, the biggest refinery in the Bay Area, and Chevron, of course, is the oil and gas industry leader in the Bay Area. Chevron's a confirmed source of dioxin pollution. I guess if everybody got a copy of this you'll know what I'm going to say, our main concern, the community's main concern that relates to this hearing or this meeting today is when will EPA help us find out how much dioxin Chevron is putting out. I think it's also particularly important, not only is this a community concern from our community in the Community Right to Know Act, but it's also a concern about the most toxic group of chemicals that's known to science. Dioxin is a group of byproducts, and in the case of PCBs, banned chemicals that cause toxic effects at extremely tiny levels, levels that are smaller than any other substances or any other dose that's been measured.

So, you know, ten years after you folks started getting data on other pollutants, it seems like it's high time to start reporting dioxin. And, Maria, as you know, CBE and refinery neighbors and workers around the country petitioned EPA to ask for just that. In truth, that petition followed a letter signed by 350 folks from around the country that went to President Clinton and Carol Browner, and in the negotiations that followed we were advised that the best way to address those demands was to leave it up to EPA's staff in the Toxic Release Inventory Section to move on it. Well, the letter is pretty moldy, it's about a year and a half old, the petition that we were encouraged to and did file with EPA is more than a year old, and while we appreciated EPA's response in May of this year proposing to grant the petition, we're very concerned that there's no evidence that our real concern has been addressed yet. And so what we want to see is, specifically in our community, we want to see EPA making Chevron tell us how much dioxin they're putting out, and we want to see that in every community around the country. We want to see, and, you know, there's no way to duck this issue now that it's been raised, everyone who cares is going to see whether dioxin reports are in the TRI the next time it comes out and the time after. So I don't think there's any way around it and I just want to make sure everyone in this room knows about this.

A couple of issues that will really help you and everyone here to understand this a little better, and I'll explain these if anybody wants to know. I'm just going to summarize and I can go into it in more detail if anybody wants. We know the sources of dioxin, we know most of them, maybe almost all of them, what we don't know is how much these sources are releasing. There's really no question that Chevron is a source of dioxin, we have dozens and dozens of measurements, site specific measurements confirming it. In fact, more refinery processes have been tested publicly for dioxin,

and they all test positive, than any other refinery we know of in the world. And we know other sources, of course, EPA does too, so there is no question that EPA could today say here's the list of activities of industry types that we know are dioxin sources, if you're on this list and you're in the system you should be reporting dioxin.

And the other point is that, of course, what we really want is to know is that Chevron is not releasing anymore dioxin. There is no other way and there have been some very, very good public meetings convened by CBE, the Zero Dioxin Alliance, a lot of the folks in this room, the Regional Water Board in Oakland, the first legislative field hearing in an impacted community I believe ever on dioxin was held two Saturdays ago in Richmond. And at each of these meetings, what's really interesting is the consensus. Chevron boycotted the meeting in their refinery town, they may not have agreed, but we had folks from state government, in some of the meetings we had folks from federal government, we had scientists from around the world, some of them world class experts in communities, regular people, nurses, unions, refinery workers, and these are some of the things everybody agreed on after talking it out and really spending the time.

Dioxin is a clear and present danger to everyone's health, and one of the facts that's come out is that one in ten of all of us as children suffer slow learning associated with these chemicals, one in ten. Not one in a million, one in ten. There is no other way to deal with Dioxin other than to intervene at the source and stop creating it. It's a useless byproduct, it's toxic and it's released in such tiny quantities that chasing it around just don't work. And we need programs that do that and we need responsibility from everyone. We all need to demand it, government needs to protect our health, and industries like Chevron need to invest. Chevron, by the way, is making record profits, 2.6 billion last year, they're breaking that record this year. Chevron has also cut its environmental spending to a five year low. Chevron can afford to invest in dioxin pollution prevention as some industries, some plants and some industries have.

And then there's the place where there is no consensus, and this really relates to where we can use your help, where we need your help. On the policy level we have the Regional Water Board saying, well, you know, it's our fish, we're responsible for the fish and the fish are polluted, but it's really coming from the air, it's falling out of the air into the runoff and into the bay and, you know, that's not our jurisdiction. And we have our illustrious Bay Area Air Quality Management District, a polluters best friend in the Bay Area, and if you don't believe me, read the *Chronicle.* And their take on it is, well, it's not our fish, it's the Regional Water Board's fish so we don't have to worry about it, all we have to worry about is the dioxin people breathe, which, as you probably know, is about 1

percent, 2 percent of our exposure to the chemicals, if that. And the only reason I think that they're able to get away with sticking their heads in the sand to that extent is that industries, all sources, and these agencies can point the finger at each other and claim, oh, it's all coming from there, no, it's all coming from there. Of course, they're wrong to assume that any release that's preventable shouldn't be prevented, but they're taking this risk management approach. And you could help convince them by making all the sources say how much they're releasing. We have refineries that just a year ago denied releasing any dioxin, and we have people all over the country that believed it, you know. CBE and the National Oil Refinery Network and the Zero Dioxin Alliance, the communities have made a lot of progress on that front, but we did it without EPA so far and we want your help.

And the other thing, the other point where there is not agreement and where I think it's really crucial is, you know, consider Chevron's response. The 50 or so groups in the Zero Dioxin Alliance, the Alliance of Refinery Neighbors across the massive refining belt, West Country Toxics Coalition, Asian-Pacific Environmental Network, CBE, you know, the anglers, the doctors, the nurses, the refinery workers, the neighbors all got together and wrote Chevron a very nice letter, which I'll pass out in a moment, asking them to sit down with us and start figuring out how to, as cost effectively as possible, stop creating this useless byproduct in the refinery. Chevron's response was very simple and really frightening. We're complying with all the government rules, the low levels of dioxin that might be coming out of our refinery are no problem, and we don't have to talk to you, we'll just talk to the government or to responsible government agencies when they tell us to. They're hiding behind the fact that you don't make them say how much dioxin they put out. So, again, what we want to know is when will EPA help us find out how much dioxin Chevron is putting into our community. Thank you. And I'll pass out this letter now.

MS. DOA: Are there any questions?

FEMALE VOICE: Are there any known like alternate technologies to deal with the [inaudible] technologies that could be [inaudible]?

MS. DOA: Could you identify yourself? Sorry, I need you to identify yourself.

MS. REISS: I'm Joan Reiss, I'm with the Breast Cancer Fund.

MS. DOA: Okay, Joan Reiss of the Breast Cancer fund wants to know if there are any technologies that can deal with, I believe you said cleaning up?

MR. KARRAS: Yes, I mentioned that there are several plants in various industries that have already gone to what we call zero dioxin. and I should also mention that the, one of the deputy directors of our State Department of Health Service, Director for Science and Pollution Prevention Technology, agreed at one of

the hearings I mentioned. And just to sort of paraphrase him, he said zero dioxin is the only viable course and I'd encourage all of your groups to never lose site of that fact, that's the only way we're going to solve this problem.

So some of the technologies, we worked Dr. Peter DeFer [phonetic spelling] of Virginia Commonwealth University for the science workshop that the Regional Board put together in May of this year. It was an excellent workshop and Peter was one of the world class dioxin experts who the Regional Board and CBE collaborated to bring out for it. And in the course of that, it became clear that, you know, your question is really the right thing. It's the most important question, what are we going to do about it, how can we make it better. So we started looking at that and let me just paint three quick examples and if you want me to take more time I will, but I think there's other people who want to speak. The paper industry, after a brief and kind of tragic attempt to cover up dioxin in the '80s, especially in Europe and then one plant, some plants in the U.S. and Canada starting looking at it, and then one up here in Sonoma in northern California as a result of settlement with the Surf Riders that EPA was involved in have done it. They found that, you know, basically they were creating dioxin by bleaching wood pulp. The chemistry of the process is a lot like bleaching your clothes except with more heat and more chemicals, much higher heat and a lot more chlorine gas is used in the most toxic process. The solution in a nutshell was to figure out a way to do it without using the chlorine, and if you cook the pulp longer, if you use oxygen in cooking the pulp to get more of the ligan out and then you can bleach it with peroxide rather than chlorine to take it out, essentially it stains like bleaching clothes except tougher stains I guess in wood pulp. And it works, no chlorine, zero dioxin. That's probably the best known example. In the Great Lakes region a lot of work has been done and the City University of New York has helped with this. Barry Commoner's [phonetic spelling] group has done some really good reports. One of the really great findings from that is that it's cost effective and perhaps might net jobs.

In the example of the medical waste incineration, hospital incineration industry, there are, you know, first of all most hospital waste is just like your household waste, surveys have been done, it can be recycled just like all of us know how to start the process of recycling out waste. And the medical professionals in the zero dioxin lines have confirmed for us that it just doesn't happen that way in hospitals these days but it could and it should and it's starting to. That takes out a lot of the waste that goes to these incinerators, most of it. There's a remainder that's infectious, and much of that can be autoclaved, steam autoclaved or disinfected without burning it. An important point there, and this goes back to why we have so many new medical waste incinerators, those damn plastic

syringes that were floating up on the beaches shouldn't be there. Those are plastic products, some of them are PVC products, you know, chlorinated plastic products, they're dioxin creators when they're burned. They're disposable and they should be replaced with something like what was there before, reusable materials. Then you end up, you know, disinfecting and recycling rather than burning that portion of the waste. You might end up with a little bit that maybe we need to bury or burn now, but with research we could find a way to deal with that. That eliminates dioxin from all of the waste that's recycled rather than burned, eventually all of it.

In the oil refining industry, this is where we really found some interesting stuff. We started working with the universities, we were able to have some off the record conversations with some refiners who didn't want to go on the record, and they claim, and, you know, I always take the oil industry's claim with a grain of salt so this needs to be confirmed, but it might be true, they claim that in the reforming process they're essentially burning carbon off of platinum catalysts so they can reuse the catalyst. Now, they add solvents to that process, and if you know anything about the refining industry and the reasons which are now becoming more apparent for the increasing rate of spills, fires and explosions that are killing people and hurting people, literally killing people in the refinery belt here. Then you know basically every second that one of these gigantic process units is down is big money, I mean these facilities are cranking out millions in dollars in profits a day, and if one of their main processes is down for any length of time they just go nuts. So, you know, think about it that way and it might not be so difficult to understand that they're just throwing the solvents on to dissolve and soften the carbon from the metal and then they're burning it as fast as they can. Well, do they need the chlorine, probably not, but they want to keep using it. So some of these refiners are saying, well, you know, we don't even need to go that far, if we keep the liquid out of contact with the hot gas after we burn it we find we have zero dioxin. Obviously, you have zero dioxin going out in the liquid streams since there's no liquid, that needs to be confirmed with source testing. Either way there are solutions and that's the point.

MS. PRICE: Thank you. Greg, can I ask a quick question, this is Michelle Price, do you have a response from Chevron to this letter that you sent to them, could we get a copy of the response?

MR. KARRAS: You could. I've summarized it and I don't know if I brought a copy but I could send it to you.

MS. PRICE: If you could send it to us --

MR. KARRAS: [Interposing] You have a copy, right?

MS. PRICE: Okay, great, thanks, Greg. One other quick question is is folks have copies of their

written comments and if they could submit it to us that would be real helpful, that would help us in putting the transcript together.

Okay, the second person I have down is Dr. Robert Gould, and we're moving the speaker up here.

[TAPE 2, SIDE A]

DR. GOULD: I appreciate having the chance to speak in order to get to work today. Can I be heard okay? Okay. My name is Robert Gould, I'm a physician and I'm president of the San Francisco Bay Area chapter of Physicians for Social Responsibility, and, as well, a member of the National Board of Physicians for Social Responsibility, the national organization. I also in my daily work am a pathologist at Kaiser Hospital in San Jose, and as a pathologist on a daily basis see the effects of the more than 70,000 chemicals that are present in our environment in terms of the deleterious effects and the increasing effects that I could certainly say from a personal level and from reading the literature in terms of cancers that are caused by these types of chemicals that are persistent in our environment, as well as the other effects of the over 70,000 synthetic chemicals in commercial use, only a fraction of which have really been studied adequately for toxic effects in humans and other forms of life. And real and potential effects include not only carcinogenesis but developmental defects, immunologic dysfunction, and what we are only beginning to understand, the widespread effects of hormone or endocrine disruption.

We appreciate right to know legislation such as the Federal Toxic Release Inventory for providing the public with essential information that is rightfully theirs about toxins to which they may be exposed. Present information gaps reveal that our laws do not go far enough to adequately protect the public at a time that more than 1,000 new chemicals are produced annually. We believe the right to know legislation should be expanded, as many people have said, to include additional industries such as waste incinerators, utilities and mining, we should have chemical use data such as now required in Massachusetts and New Jersey, improved product labeling and occupational exposure information. So the rest of my comments, besides the more general ones, refer more to the comments that a number of public interest research groups have made in DC and elsewhere, some with reference to the issue paper that was released by EPA. We would support those who want to report all releases as releases, we believe that the law is clear that toxic chemicals injected underground, left in slag piles or dumped in landfills are released to the environment, and there was ample documentation provided, as I understand in DC, as regards that, and I wouldn't want to reiterate that.

We believe that there should be, we should require facilities to report total production waste, that this would be the quantity of chemical entering any waste stream or otherwise released to the environment prior to recycling, treatment, or disposal. We believe,

as other observers have said, that this change is needed to shift the attention of the entire public, as well as those involved in industry, from the whole idea of just reducing releases to reducing waste at the source, which we think would be an important paradigm shift in terms of how we deal with environmental releases. We also think, along the lines of what Greg was just mentioning, that there should be more complete reporting and lower reporting thresholds to obtain meaningful reporting on persistent toxic chemicals such as mercury, lead and dioxin and other recognized bio-accumulators because of the very reason that these substances in very small amounts are very toxic and persistent, and because there is ample evidence indicating that the release of such substances and dioxin at very critical times in fetal development have significant effects on a widespread range of human systems. We also believe in line with this that there should be peak release reporting to the TRI and indicate the number of days per year and time of year that reported releases occur of these substances.

We also agree with those who have called for better integrated reporting for public access, which would include establishing a single facility identification number for each facility regulated under federal environmental laws. This would allow integration of data reported under these laws for ready public access. We also believe that it should be a requirement that there should be universal registration of facilities that use toxic chemicals or are regulated under federal environmental laws. We think that this information should be linked to other EPA data so that people can readily obtain environmental information on a local factory, parent company, an entire industry, a zip code or city, et cetera.

And, lastly, I want to just say we would want better chemical use reporting so that facilities are required to report simple materials accounting of the chemicals they use, including the amount brought on site, used up and shipped off site as waste or product. This would enable people to measure and promote pollution prevention and know where chemicals go as waste or product, identify low cost prevention opportunities to understand the life cycle of a chemical, et cetera. I think the basic thrust of all these things is to increase the sort of democratic input of people into the process as well as, again, accentuating the basic right to know, that I think is at the heart of a lot of these regulations. So more specifically in some of the issues that have been raised, such as whether there are issues of double counting in terms of transferring from generators to treatment facilities, et cetera, we think that the process should be transparent and open so that people can track this stuff throughout. And I think one of the EPA comments in here is that if this stuff was, some of the smaller generators of waste, there contribution would be hidden if they would be exempt from such requirements, so we think, again, everywhere along the

line this stuff should be tracked so we can begin to come to grips with what the legacy of this, our modern industrial age is. Thank you.

MS. PRICE: Are there any questions?

MR. KARRAS: I'm Greg Karras. Could you say a few words about what it's like when you're in your the practice for those of us who don't see it every day to know what kinds of health problems you have to deal with?

DR. GOULD: Well, you know, personally I deal with formaldehyde on a daily basis being a pathologist. And, you know, in my particular facility we actually have good recycling of the vapors, and I believe that myself and the other workers in the department are not that affected by that. But I would think more in terms of globally dealing with some of the issues that you were raising earlier, Greg. In terms of what the typical practice in a hospital is, we are not, certainly at Kaiser at this point, and certainly I can speak for other facilities that I've visited, doing enough to curtail the amount of stuff that gets red bagged and then gets incinerated. So, much more can be done, and your point was very well taken in terms of being able to reduce the materials that are just thrown in red bags very casually. We know that work by Holly Shaner [phonetic spelling], for example, in Vermont prove that with strict auditing and recycling of materials, you can get that type of material down to somewhere, as you were mentioning, on the order of 6 percent of the medical waste generated as opposed to the current 50 to 60 percent which is a real scandal for the medical community. So, again, I think this points to the real need to have source reduction, you know, reduction at the source through recycling, strict audits, et cetera, so we're not, certainly our own field should be policing itself and not being a main culprit for dioxin generation.

MS. DOA: Thank you.

MS. PRICE: Let's see, next I have Leslie Bister.

MS. BISTER: Bister.

MS. PRICE: Bister, thank you.

MS. BISTER: Good morning, my name is Leslie Bister and I'm the program director for the Silicon Valley Toxics Coalition. Silicon Valley is the birthplace of the electronics industry, and since it's birth fifteen years ago, SVTC's work has included documenting the environmental problems created by the production of electronics components and proposing solutions to these problems. By demonstrating that the same chemical solvents that pollute the groundwater are responsible for the destruction of the ozone layer and are suspected as reproductive hazards on the job, SVTC has been able to help shift the focus from cleanup to prevention. SVTC was also the first group in the United States to compile and publicly release data from the Toxics Release Inventory. The TRI data documented millions of pounds of toxics released into the environment by the largest and most famous Silicone Valley giants. One of these, IBM,

was releasing a million pounds of CFCs into the air. Through the TRI data we were able to document that and find solutions to those problems, so now IBM has found they can use soap and water as a substitute for the CFCs that they were using.

But even before that, in 1983, SVTC helped pass a local right to know ordinance. We had to overcome significant resistance from industry and government who were uncomfortable with the notion of making this kind of information public for a variety of reasons, some of it that it was proprietary information, some of it that it was trade secret, and others that it was just too much of a burden with the paperwork. But we kept on organizing, we passed a local right to know ordinance in 1983, it became a state law in 1985 and then the federal government picked up on the idea.

Today we have several thousand members and we continue to educate the public about the dangers of high tech environmental pollution, we empower people to hold industry and government accountable through programs like Community Right to Know. Given that the production of a computer work station that many of us have requires over 1,000 chemicals, many of which have not been tested for carcinogenicity, reproductive toxicity and fewer for any effects that they might have on the immune system, prudence and the best thoughts of community health and environment health require the broadening of Community Right to Know and the strengthening of TRI. And the current era of globalization and the rights of communities to know and workers to know about toxic release runs counter to the industry demands for deregulation without the assurance of environmental, superior environmental performance.

We're pleased to have the opportunity to offer comments to the EPA on ways it can streamline TRI forms, reduce reporting burden, while at the same time improve the type of information that's available to communities. We believe streamlining and burden reduction can take place while improving the amount and the quality of information provided to the public. So I've just got a couple of points, some of these have been raised by other groups that you've heard in different cities. We support the EPA interpretation of release which includes underground injection, and thank you for denying the CMA petition to change the definition of release. The current definition leaves no doubt that chemicals disposed in underground injection wells are indeed releases. We encourage you to maintain that position.

More data elements for disposal should be added to the form to get greater information about releases, and these things including mine tailings and slag, slag piles. The EPA should also, the EPA could also continue; I'm sorry, I lost my place. For example, the EPA annual data could distinguish between the different types of releases that are occurring, thereby distinguishing a release that's happening to the air or mine tailings. We also support the creation of additional elements that would differentiate between waste that is

generated on site and waste that is received from off site. This will help improve the double counting that Bob and other people have mentioned earlier. In addition, with regard to new data elements, we suggest other changes would include the total production waste streams that were talked about earlier. This coupled with the percentage from changes from last year would make an understanding of all the data more straightforward, there would be less public concern, less misconception about what's going on. And in many ways it's real important to focus on the distinction between pollution control and pollution prevention. I was involved in a DTSC program, the Department of Toxic Substance Control, where we had a chance to review the SB-14 documents of different high tech companies. SB-14 is the Hazardous Source Reduction and Management Review Act. And some companies thought that they were probably doing pollution prevention but they were actually doing more control or fixing up their treatment methods. One of these was the IBM plant in San Jose which has a local pretreatment for metals using ion exchange and electrowinning [phonetic spelling]. And while this reduces the amount of sludge that is produced, it's not in the strictest sense source control and optimizing their abatement device cycles times is also not source reduction in the strictest sense.

Another concern is the destination of releases. What we've seen happening is a release that is considered waste from one company becomes a product when it goes to another company. So that waste from a high tech plant containing chlorinated such as Intel, sends their waste products to Romic who then does some reformulation and is then considered a product for heating because of its BTU value. These chlorinated solvents contain dioxins, when these are combusted they release dioxins which then go into the environment, which Greg and Dr. Gould had already spoken about.

It's also important to lower the reporting thresholds of the persistent toxic chemicals for some of the highly toxic chemicals that are out there. Chemicals such as some of the very toxic gases and other chemicals that are used in the electronics industry such as arsine, phosphine and diberine [phonetic spelling] need to be included in TRI, that right now the lowest threshold I believe is 10,000 pounds. And one percent of that, being 100 pounds, could have disastrous effects on any community if that was released. To insure that the release of off site transfers are relatively small, we support the EDF, Environmental Defense Fund recommendation that the threshold for these chemicals, including dioxin are zero, so that the community knows what's going on.

There is also a need to fully integrate all the data that the EPA has with other federal databases. Because right now, even in the past we looked at data going into different media, be it air, water, whatever, and there is no chance to integrate it, the data from the TRI needs to be integrated with other data for more

complete profiling. This would include data from OSHA, this could include data from Health and Human Services and also data that could be integrated into state registries such as the Birth Defects Registry and the Cancer Registry.

Also, I think the EPA has done a great job in doing public outreach. I'm glad, Steve, that you had a chance to be on the phone, are you still there, Steve, because I was going to have to raise your concerns, but I think that more work needs to be done to reach out to the public, providing more phone lines so people who can't come to San Francisco have a chance to speak. The EPA can improve it's publicity and outreach and one way would be through a public education campaign training others to use TRI. This way the TRI can become an effective community tool in reducing toxic pollution. And the EPA must make the active decision to devote more time and resources to outreach and training efforts. And the answer to reducing the public misconception or misreading of the data is to provide the time with the public to interpret the data.

I guess I'm running out of time, but, again, I thank the EPA for the time that they've spent and given us. TRI has been a very valuable tool for the Toxics Coalition, all the data that we have to document the hazards of the industry, how much pollution was created by the industry, was made available because of the TRI data. And as you move forward in implementing any changes we encourage you to link these efforts with other groups that are working to protect the community health, worker health and environmental health.

MS. PRICE: Thank you. Any questions?

MS. COLBERT: Yes, Regina Colbert with Romic Environmental.

MS. DOA: Just a second, Regina Colbert with Romic Environmental.

MS. COLBERT: Two things, actually. One clarification, Romic does not receive and [inaudible] materials. Our [inaudible] production is certified [inaudible].

MS. DOA: Wait a second, I'm sorry, I need to repeat things. I need to repeat things into the mic because that's the only way that our reporter is going to get it. So she said that Romic, you receive certification?

MS. COLBERT: [inaudible]

MS. DOA: Okay, Romic does not accept dioxin at their facility, the material is certified, okay.

MS. BISTER: How do you measure, what is your, how do you measure?

MS. COLBERT: We actually --

MS. DOA: Wait, wait, sorry. Leslie Bister asked how do you measure to assure that you're not receiving dioxin contaminated materia?

MS. COLBERT: With direct sampling, but that's actually [inaudible].

MS. DOA: I'm sorry, I didn't hear you. You do sampling. Here, this might help because I'm not be-

ing a good middle person here. And when you speak you need to say who you are.

MS. COLBERT: Regina Colbert with Romic.

MS. BISTER: Can we get some of those results, can you send those?

MS. COLBERT: We would have to get that clarified through our generator so at this point I wouldn't be at liberty to say.

MS. DOA: Into the microphone, if you ask a question you need to speak into the microphone.

MS. BISTER: Right. Okay, I was asking --

MS. DOA: [Interposing] And say who you are.

MS. BISTER: My name is Leslie Bister, and she was talking, I'm talking to the person, a representative from Romic, who said that they are not receiving dioxin contaminated materials. I asked if I could receive documents that show they are not receiving dioxin contaminated materials and her response is?

MS. COLBERT: That information would be available on manifests which you could petition through the Public Information Act. We necessarily would not be in a position to disclose that information to you without confirmation from our generators.

MS. BISTER: My name is Leslie Bister, which again speaks to the need of strengthening TRI dioxin reporting and the Community Right to Know.

MS. PRICE: Any other questions?

MS. DOA: That was Michelle Price. Wait, there's one more question.

MS. COLBERT: The second comment was we actually do --

MS. DOA: [Interposing] Say your name again.

MS. COLBERT: Regina Colbert with Romic. We do concur with the public information emphasis so that there is some understanding as to what that information is.

MR. CLARK: I have a question. I feel like Phil Donahue [laughter]. My name is Henry Clark, I'm the executive director of the West County Toxics Coalition, I had a question for the lady from Romic, I didn't quite understand her response. Did you say that you're testing directly for dioxins in the waste that you receive?

MS. COLBERT: Regina Colbert in response. Not necessarily, there is a generator certification requirement with whoever it is that manufactures or in essence generates the waste stream certifies that the material is what it is. So the sampling that we would do would only be specific to the type of waste stream, we would not necessarily sample for dioxin for every single waste stream.

MR. KARRAS: Greg Karras, CBE. I just wanted to comment, thank you for speaking up, I think the discussion is good. I have a question for Leslie. I know and probably most people here know that virtually all of the industrial waste waster that reaches South San Francisco Bay from Leslie's community goes through POTWs. So I wanted to know what your sense of the involved

community's feeling is about the thresholds for reporting that result in the measurements done on the pretreatment program showing literally 30 times more metals coming from industry than the reports from the TRI from the same industries. Do people in the community feel that's a problem? That's a reporting threshold driven difference but do people feel it's a problem?

MS. BISTER: Leslie from the Toxics Coalition responding to the question. Yes, it is a problem, and that speaks to the need for POTWs to be included in TRI. And there's a lot of problems with a lot of the POTWs reaching capacity, but they still need to be reported in the TRI.

MS. DOA: Thank you, I think we need to move on to the next speaker.

MS. PRICE: Okay, the next speaker that I have is Joan Reiss.

MS. REISS: Can you all hear me all right? First of all, I would like to say good morning to everyone, the EPA representatives, the industry people, the activists in the audience. And I think it's important that we are gathered here to discuss the Toxic Release Inventory, though part of this is in the reporting form that's before us as well as any other comments. But some of this discussion, it almost seems like it should have occurred many years ago, since the act passed in 1986 and that gives it, you know, sort of an eleven year history. But at any rate, we know goverment does not move at great paces, so we are grateful to be here.

My name is Joan Reiss, and I'm the coordinatory of something called the Bay Area Breast Cancer Study Group. This is a collection of activists, environmentalists, scientists, clinicians, breast cancer activists, who all sit around the same table and try and deal with the issue of why does the Bay Area have one of the highest rates of breast cancer in the world and how do environmental factors contribute to this. This is a project of the Breast Cancer Fund, which is an organization that's been around since 1992 and has raised over $4 million since that time to put into research advocacy and programs around breast cancer. And the reason that many scientists and activists are so concerned about TRI obviously rests with the issue that as we do research we go further and further into the issue that organochlorine chemicals are related or involved, depending on who you would like to quote, in breast cancer and other cancers. And this continues. Many of these compounds are referred to as endocrine disrupters, and due to the lipophilic nature of these materials, they dissolve in fat and, therefore, they are very susceptible to women, to children.

I am going to go through a few scientific studies, I will submit this to you in writing, I am just going to touch on some of these. For example, when you look in fat, fatty tissue, when you look at polychlorinated biphenyls, you find that the average concentration in adults age 45 and over was from 188 percent to 706 percent higher than the age group 14 and under. In

other words, we're dealing with a cumulative process that goes on and on. Worst of all, and every time I read this I sort of reread it and I go to the source for it, but concentrations of organochlorine chemicals in breast milk are so high that if today you really actually put breast milk in a bottle there would probably have to be a warning label.

A study began in Minnesota that showed incredible amounts of birth defects in those who were applying pesticides, the children, the families of pesticide applicators. It goes on and on and we find that the other thing, as organochlorines have increased, the incidence of non-Hodgkin's lymphoma has increased over 4 percent worldwide and is continuing to increase. And all of these, you know, just continue on and on. My area is breast cancer and I've put together a list of scientific studies dealing with DDT, dealing with PCBs, dealing with other organochlorine compounds.

Some of you may have recently read the *New England Journal* and sort of come away, if you read press reports, if you read Gina Colotta [phonetic spelling] you came away with the feeling that there is no relationship at all. We finally solved it, we've looked at 500 samples, and, therefore, there is no relationship between organochlorines and breast cancer. And I would caution you in studies like this for a few reasons. Number one, that's not what the abstract said, the authors came to the conclusion that they could not make a conclusion. They also looked in blood samples, and although this sounds like a technicality, when we're dealing with this work you have to look at fat samples in order to find what you're looking for. Plus, they only looked for three compounds and you really have to look for many more than that. So there is a whole series of things that were not quite right with the study, I wouldn't say wrong but the study was very limited.

On the other hand, there was an editorial in the *New England Journal* which stated very clearly that there's no relationship between breast cancer and organochlorine compounds, and that the study that was also in this same edition of the *Journal* now solved it completely. Well, again, from everything I've said you can see that's not quite so. And the author, the editors of the *Journal* have a little bit of a prejudice about this whole issue and they tended to mix studies involving blood as well as studies involving fat and that made things more confusing. I would like to state that outright, because I felt that that article, the way it was carried in the press, did a lot of damage to the whole issue and really was more confusing than it was illuminating.

There are high breast cancer rates involved in female chemical workers in a German pesticide plant due to dioxin exposure, that was in 1991. And last year a study of mortality records indicated associations between breast cancer and work place exposures to organic solvents, metals and styrene. Early research on breast cancer and organochlorine chemicals was done with one

compound at a time; however, new studies have indicated that if you use more than one compound there is a synergistic effect and there is a proliferation of breast cancer cells when you look at in vitro experiments. All of this evidence is important for TRI reporting, because scientists involved in these, they're almost pioneer kind of research efforts compared with where genetics and molecular biology is today. They need the most accurate information possible so they can know what to focus on and what is in a given region. The public needs to be assured that TRI will be broadened to include more endocrine disrupters, and I put together a list of the scientists involved in this work who would be very glad to have discussions with EPA as to which compounds these should be. I mean there's a whole host and people who have put lists together over and over.

In order to concentrate on waste reduction at the source, EPA needs to require facilities to report total production waste, regardless of whether this is on site or off site, and the form can easily be designed to reflect this, we need to know total amounts. EPA should lower reporting thresholds so persistent toxic chemicals, especially the endocrine disrupter category, can register in significant amounts. And this action would close the standard industrial classification code loophole that provides exclusion for a number of facilities. And the Breast Cancer Fund also supports EDF zero threshold.

We need to recognize that there are toxic pollution sites and improve reporting for the contamination that exists there. Without accurate accounting of the chemicals, it's difficult to research the effects of those. And along this line I'm giving two specific examples. One is, and some of you know this really well, in San Francisco the Bay View Hunters Point Area has traditionally become a dumping ground for a wide range of toxic substances, including two federally designated Superfund sites, leaking underground fuel tanks and other toxic chemical producing facilities.

[TAPE 1, SIDE B]

In 1996, there was actually an attempt to locate an additional power plant in this area, after all, if you've got so much stuff what difference is an additional power plant going to make. And the community really rebelled, and the San Francisco Department of Health did a study in which they found an increased incidence in the rates of breast cancer, non-Hodgkin's lymphoma and asthma and some other health effects that were prevalent in the community. In 1995, school officials on the Contra Costa Board of Supervisors joined forces to attempt to relocate two Rodeo elementary schools situated next to Unical and the Pacific Refining Company. This was because, again, there were all kinds of sicknesses coming through in the community and especially to the children.

We, the public, need the most accurate, comprehensive and inclusive TRI information that can be provided and the forms need to be designed for really easy

access. Rachel Carson actually never knew the phrase endocrine disrupters, but she recognized the consummate destruction that we bring with the use of all these pesticides and toxic chemicals and I think her words are very valid today, "The question is whether any civilization can wage relentless war on life without destroying itself and without losing the right to be called civilized."

Thank you for the opportunity, I'll give you a copy of the testimony, the references to all I've cited are on the back page.

MS. PRICE: Great.

MS. DOA: Thank you.

MS. PRICE: Thank you, Joan.

MS. DOA: Are there any questions? Okay, thank you very much.

MS. PRICE: Okay, the next person I have down is Matthew Law. Okay, we'll try him again at the end, how about Jonathan Kaplan?

MR. KAPLAN: Do I need to speak into this here?

MS. PRICE: Yes.

MR. KAPLAN: Thanks for the opportunity to speak today. My name is Jonathan Kaplan, I'm the toxics program director for the California Public Interest Research Group. CALPIRG is a non-partisan, non-profit environmental and consumer watchdog organization with over 60,000 members in California. We're the largest consumer protection organization in the state. Our members care very much about their right to know about toxic chemicals and we have a long standing interest in right to know issues.

For years we have relied on the TRI to provide policy makers and the public with basic information about toxic chemicals in California, thus, we take any proposed changes to this data source very seriously. Incidentally, I have never had more phone calls asking me to come to a federal hearing than I got this week.

We've had the opportunity to review the written comments submitted to this community by the Working Group on Community Right to Know and by colleagues at USPIRG, US Public Interest Research Group. Rather than repeat all the points made in this excellent testimony, I would like to endorse them on behalf of CALPIRG. That's my me too testimony. However, I would also like to emphasize a few points of particular concern. CALPIRG urges EPA to complete the rule making to expand right to know reporting to include toxics use reporting. EPA issued an ANPR earlier this year, and we are hopeful that the agency will move forward with a proposed rule early next year.

I would like to remind this committee of the pollution prevention success demonstrated in Massachusetts and New Jersey, the only states to currently require reporting of toxics use data. Between 1990 and 1995, non-product waste generation in these states declined by 30 percent and 50 percent respectively. During this same period, waste generation

increased, that's for non-product waste, increased nationally. In Massachusetts, toxic chemical use also declined by 20 percent. Incidentally, industries practicing pollution prevention programs in both states reported saving significant amounts of money. As demonstrated by these states, toxic chemical use reporting helps promote pollution prevention, it requires facility managers to focus on toxic chemical use at the front end of the manufacturing process where there is more opportunity for prevention. In addition, chemical use data enables regulators, facility managers and public interest representatives to understand the life cycle of the chemical, establish baselines for planning, validate emissions data, improve public understanding, assess which chemicals are transported to community facilities and through communities, and assess worker exposure.

With respect to this last point, we strongly encourage EPA to require reporting of estimated worker exposure to TRI chemicals. Currently, the best source of chemical data in the work place are material safety data sheets which are often incomplete, missing, or made inaccessible to workers. Chemical use data reporting should be accomplished by requiring facilities to report a simple materials accounting of the chemicals they use including the amounts brought on site, consumed and shipped off site as waste or product.

CALPIRG supports expanding the reporting requirements for source reduction activities. As we all know, manufacturing industries across the country continue to make progress at reducing toxic emissions to air, land and water, but are failing to prevent toxic pollution at the source. To better stimulate pollution prevention efforts, CALPIRG urges EPA to require facilities to report the total production related waste at a facility, sections 8.1 through 8.7 summed together. Requiring facilities to specify the total quantity of production waste will help facilitate inner facility comparisons of waste generation and shift the attention of facility managers, the media, regulators and the public from reducing releases to reducing waste at the source.

CALPIRG urges EPA to enable facilities to distinguish wastes generated at the reporting facility from those generated elsewhere. As others have proposed, CALPIRG supports accomplishing this by adding a box to the form R to record the amount of total production waste that is not generated at the reporting facility. This will improve data presentation, help reveal source reduction and address potential double counting issues.

We urge EPA to require facilities to report actual quantities of waste prevented through source reduction. Again, this will enable inner facility comparisons of source reduction achievements and has the potential of creating powerful source reduction incentives. CALPIRG supports expanding and clarifying chemical release reporting requirements. We urge EPA to include chemicals transferred off-site as products within the definition of release reporting. Toxic chemicals all go somewhere, toxins shipped out of the factory gate

as product may actually pose a greater threat to the public health and environment than chemicals directly released or transferred off site for disposal.

We urge EPA to require facilities to report all releases as releases. Toxic chemicals injected underground, left in slag piles or dumped in landfills are, in fact, released to the environment and should be reported as such. We urge EPA to lower the threshold requirements for the reporting of persistent or extremely hazardous wastes, for example, dioxin. We support the pending proposal in HR-1636 to set thresholds that would be estimated to capture 80 percent of these chemicals in aggregate.

We urge EPA to eliminate the loophole that exempts the reporting of toxic chemicals released, but no deliberately produced or used. We urge EPA to require publicly owned treatment works to report under TRI. EPA guidance can help POTWs report releases by identifying typical pass through and destruction rates for TRI chemicals. According to our own research here in California, over 12-1/2 million pounds of toxic chemicals are discharged to POTWs every year in California. That's based on '95 TRI figures. Incredibly 71 percent of this waste flow, comprising 8.9 million pounds, are not monitored for or regulated by POTWs or the state. Given that no one is even monitoring this waste stream, we have little reason to believe it's being mitigated. Requiring POTWs to report releases of listed TRI chemicals would create incentives for industry emitters and sewage treatment facilities to reduce and mitigate this waste stream.

Thanks for having me here and we hope that you will continue your good work, letting the sunshine in, we like the cliche "sunshine is the best disinfectant." Thanks.

MS. DOA: Thank you. Are there any questions? Thank you. I think we'll have one more speaker and then we'll take a ten minute break.

MS. PRICE: Jocelyn Widen?

MS. WIDEN: Widen.

MS. PRICE: Widen.

MS. WIDEN: Hi, my name is Jocelyn Widen, I'm with the Women's Cancer Resource Center. We're an organization that provides direct services and advocacy to women with cancer. We have services such as a hotline, a peripheral network, support groups, a practical support program for volunteers to come to somebody's home and provide assistance with shopping or housekeeping or whatever. We have legal assistance and benefits counseling, support groups, a free therapy program and some other programs, all for women with cancer and their supporters. I am the public policy advocate, I represent the Women's Cancer Resource Center as a steering committee member of the California Communities Against Toxics Coalition. I also represent the center with the Californians for Pesticide Reform Coalition, the Health Care Without Harm National Campaign to reduce and change medical waste handling practices, the California Zero

Dioxin Exposure Alliance and the Save Board Valley Alliance.

I'm very pleased about the expansion of the TRI. Many of the members of CCAT and the clients of Women's Cancer Resource Center have been very concerned about industries and facilities that would be covered by the expansion. I encourage the EPA in the strongest possible terms to maintain the section of the expansion which reports the releases from RCRA landfills, on site disposal and deep well injection sites. Hold firm, all toxic releases to publicly operated treatment works must also be reported.

A release is a release regardless of the medium, because ultimately we're all exposed. The public should not be hooked into defining one type of release from another, as if there were some releases we should not be concerned about. A truck spilling solvent on the highway is a release just as hazardous waste at a landfill is a release, although in the case of pesticides, better spilled on the highway than sprayed on my salad [laughter]. I'd just like to note that a toxic spill on the highway is a hazardous spill, but on our dinners it's an inert ingredient essential killing dangerous bugs.

All releases big or small, tall or short, from the corner store or neighborhood refinery are public business and we're entitled to the information. So, please, maintain your current definition of release regardless of industries desire to redefine words in the English language. The public is entitled to information on any and all toxic exposures, including releases as they are currently defined.

Do all that you can to endorse pollution prevention. TRI should be a tool to educate the public by giving us access to the volume of production waste created at the source. Otherwise these toxics can be handled and have been handled willy-nilly by industry, and we, the public, continue to pick up the tab paying with our health and never having had access to the facts. I'd like to echo also the comments of Greg Karras, Bob Gould, Leslie Bister, Joan Reiss and Jonathan Kaplan and say to change the thresholds to reflect the real and proven hazards posed by persistent bio-accumulative toxins such as dioxin. No one produces five tons of dioxin by themselves, we the public need knowledge of all releases because so many substances like dioxin are deadly in such minute doses.

Earlier, Maria, you had said that part of the purpose of this hearing was to streamline this process for businesses. I am an advocate of the government being as efficient as it can be; however, if business is bellyaching because it's taking them time and money to handle toxics responsibly and with caution, I don't have any sympathy for that. I see the results of our current mishandling of those toxins at my work, and I don't feel that that's a valid concern, and I'd like you to bear that in mind when you hear those concerns. I'd also like to advocate for establishing the single facil-

ity ID number system. This will help the public to keep posted on polluting facilities, their permits, their activities and their transgressions. Just like we all have on Social Security number that we use everywhere we go, facilities should not have long paper trails requiring us, the public, to be detectives in order to educate ourselves about their activities.

Finally the Pollution Prevention Act. Please finalize those regulations so that we don't have to meet again next year [laughter]. Thank you for your time.

MS. DOA: Thank you, are there any questions? Thank you very much.

MS. PRICE: Thank you.

MS. DOA: I think maybe we'll take about a ten minute break.

[BREAK TAKEN]

MS. PRICE: -- on the conference phone, we'll see if we can hear you, Steve.

MR. BRITTLE: Yes, I'm going to move off my portable onto my regular phone, so hopefully that will be louder.

MS. PRICE: That is louder, thank you.

MR. BRITTLE: Okay, good. Yes, I appreciate the opportunity to participate like this and I always want to start out by pointing out that what we all need is the right to know about the Community Right to Know, EPA needs to expand it's outreach to communities because many people don't even know about the Toxic Release Inventory or other parts of EPCRA. And I want to point out that we want to remember that part of the TRI's purpose is to identify and track who is using these TRI chemicals and determine what, where and how much and how it's being released into the environment. And along that line, that nothing should disappear, there shouldn't be a slight of hand to make it appear that things aren't being released and they are. Even the law talks about mass balance principles, and I would like to see the form R move more towards the direction of mass balance principles, even to the point of showing what is being included in the finished products. Because that's a big, basically an open hole in the information.

I was looking over the issues paper and I noticed that the EPA was talking about the issue of section 5 of the form R. It states that some may have a misconception that reported 313 release necessarily results in actual exposure of people to the environment of toxic chemical. Well, I have yet to find a landfill that doesn't leak or hasn't leaked, even the Government Accounting Office studies of landfill liners show that eventually they always do leak, so I would just assume that it's a release to the environment. And since you list on the form R where chemicals are being disposed of, people who are curious enough can certainly look to see if it's a RCRA subtitle C landfill and they can make their own conclusions.

And moving along the line here, EPCRA does not limit the form R requirements to releases but calls for facilities to report all amounts of listed toxic chemi-

cals entering each environmental medium annually. And I think we need to remember that land disposal can mean a lot of different things, and I don't have a problem with putting down the different kind of land disposal on site or off site, but there needs to be plenty of information in the instructions or whatever is provided to the public to help them discern what this really means. Along the same line is the issue of underground injections. I guess I have a real problem with the perception someone wants to put out that if it's injected underground, it is not released to the environment, I have a real problem with that, waving a magic wand and acting like it doesn't exist anymore, and that just simply isn't true.

Now, one thing I really notice, of course, is that most of the nation's top polluters that are identified in TRI are smelters and mining operations. And after having occasion, particularly lately, to observe what goes on at these smelters and things, I want to point out that when they talk about slag being dumped, you know, on site, how they want to make some sort of considerations for that. You know, I invite anyone, and I have video tape too, but I'd invite anyone, including EPA to spend some time watching what goes on when slag is dumped, it looks like an atomic bomb going off each time this is dumped because enormous amounts of these chemicals, they're also released into the air during the on site disposal. I don't see that those releases to the air of the metals and the things that come out of the slag dumping are really captured in the TRI under fugitive emissions. I think that certainly needs to be tightened up a bit. Looking, for example, at the ASARCO smelter, it was supposed to be number 6 in the nation, I would say they're understating their fugitive emissions releases probably by a factor of 100 to 10,000 depending on the part of the operation. And when I look at, you know, the information that's there, they're vastly understating their releases to the environment, even though those releases are incredibly high already. And then I really think that EPA ought to spend some time doing some data quality audits on all the nation's top TRI polluters to make sure that there's some sort of accuracy there. They can estimate to their heart's content at this point and I would contend that they're vastly understating their fugitive emissions. Stack releases, they look like a tiny wisp of smoke next to mushroom clouds that are going off all over, you know, the facilities. But, again, I think that they are being vastly understated and I think that's something that needs to be seriously addressed by EPA.

Moving on to section 6 of the form R, the whole discussion on publicly owned treatment works, POTWs. Of course metals are not destroyed by any process there, and, indeed, some new TRI chemicals are probably created and many of them are released into the air and eventually into the water. The sludges that come from POTWs are often put on agricultural lands, and, of course, all the metals and whatever else that is there is going to be there with it, along with PCBs and

dioxins. And I want to put a note in here, I certainly concur with the discussion about reducing the reporting threshold for dioxins. I just reviewed the EPCRA law sitting here looking at my legal books while I'm listening to the discussion, and the administrator has every bit of authority now to do that, it's always had that, and I think it's about time. If the EPA can study dioxins to come out with a draft assessment and all this to talk about how desperately dangerous this stuff is from cancer to endocrine disorders, then it ought to set a threshold for dioxin, something like one pound. Of course there are no facilities that produce 10,000 pounds of dioxins a year or 25,000 pounds, because if they did in the state they were in, everyone would be dead. So, obviously, we need to change the threshold to that.

Back to the issue of POTWs, you know, other TRI chemicals created by POTW processing, I'll give you an example, TCE, when you run it through a publicly owned treatment work it turns into chloroform. Also you will find that where POTWs are processing say the carbon filters for pump and treatment and Superfund sites like the one here in Parker, Arizona, they take the carbon filters and process them. This is actually getting into the Colorado River, TCE and all the carbon. So I have real concerns about the fact that POTWs are not reporting, for one thing, and to turn around and act like that when it's passed on to a POTW that it's somehow destroyed or changed or treated. It's really a way again of trying to pass the buck and I think we really need to have honesty here and just look at whatever is released to a POTW and make sure it is quantified. And for EPA to, you know, I look at the discussion about having POTWs talk about what we think is being destroyed and what is usually destroyed, it's an awful lot of assumed information, a lot of speculation, because we know there's a whole range of efficiencies with POTWs, even on a day-to-day basis, and I think it's too difficult to really quantify into such a sort of accurate national standard. So I think we ought to leave it as it is for that and, you know, EPA could certainly put a discussion into the form R instructions that are provided to the public and to reporting facilities that address the fact that there is a potential that some of these chemicals might be treated or somehow handled and neutralized or whatever, but that there is no way to quantify that at an individual site. But something little, like a footnote that people could bear in mind that this could indeed be going on, but I just can't imagine, anytime I've ever seen anything else that's standardized saying, you know, when I check it against the reality of what I see personally inspecting, I can see that, you know, it hasn't worked. It's like a good effort but it probably isn't, it's just not really possible to do that.

Section 8 of the form R about collecting waste managed at the facility, I look at some of the comments that are here, I agree with EPA's thoughts about, you know, it says that the EPA believes the information and

waste management facilities would be incomplete if the facility were to report only that fraction of managed waste that was generated by the facility. I agree with that, I think EPA has kind of figured out what to do here. The paragraph above that, additional comment, it was suggested three new data elements be included in section 8, total waste management activities, quantity generated on site, quantity received from off site. I think that that whole paragraph is, you know, the angle there, the approach is probably pretty acceptable. I think EPA probably has a good idea of what to do with that. You know, I'd certainly have some concerns, I remember one of the first things I found in a form R was that a facility was shipping it's TRI waste to another facility down the road that was not a legal hazardous waste facility, it didn't have a license or a permit. And even though this was reported on the form R, there was no enforcement action taken. Now it turns out that the facility that was receiving all the illegal waste, or receiving the waste illegally I should say, it was transferred into a regular part B landfill and now they're, you know, it's a very dangerous situation, it's right outside Butterfield Station outside of Phoenix. When EPA was looking at that landfill regarding DDT dirt shipments here recently, that was when the illegal hazardous waste disposal ended at that site. Basically when EPA started looking around, that's when the company stopped doing it, but now we have astronomical levels of sodium azide at this facility and it's not even supposed to be there. But, you know, again, these things need to be tracked and to assert that all these, you know, wastes are being handled properly are sent to that kind of landfill, that's not an assumption that has any validity either.

There are some other issues, you know, here about, I mean sewage plants should report toxic release under TRI just like everything else. I know that presents something of a burden to them but I think we need to know that information and it is within the discretion of the administrator. We should require facilities to report actual quantities of waste prevented through their source reduction and I think that's something people need to know as we track places from year to year. Again, things like dioxins need to be tracked differently.

I see references to raw materials in EPA literature, but they never define it anywhere, and I think EPA needs to basically come up with an EPA definition of what is raw materials, because it has a lot of ramifications. As far as a standard industrial classification code, we're always finding facilities that are out of compliance who are hiding behind bogus SIC codes, they even change them deliberately to try and say that they don't have to report. And I think we get a lot of mileage out of just saying that everyone that goes over a certain threshold, no matter what the SIC code is today, you know, for the facility, will have to report, you know, basically once they get past that threshold.

There are rare instances when people just don't know any better too. If we're really trying to track releases to the environment, it doesn't make any difference who's doing it, and if they're using it they should be required to report. And, again, we might be looking at SIC codes that never use these chemicals and they'll know in about two minutes that it doesn't apply to them and they'll never have to worry about it, but it will stop all these people from hiding this information.

As far as the peak time reporting to TRI, that there are particular times of the year or season or of the cycle that a facility does most of its releasing, there should be information on the form R about that. You know, when you look at this, you sort of assume that it's a little bit each day and it all averages out to 1/365th of the total, but if there's an awful lot that's happening at just certain times of the year, that might have some real important implications. You'll remember one of the first tenants of why things are on the list is because it effects people beyond the fence line, and if it's all happening within a short amount of time then, you know, that should be something that the public is made aware of.

And let's see, again, I mentioned before the mass balancing, I think that would be real helpful to move in that direction, particularly if reporting facilities are thinking in those terms, and that will help quite a bit too. I know when we look at our enforcement activity when we're trying to figure out when a facility has not filed form R's what an appropriate penalty should be, it really depends on how much is being released to the environment and the relative toxicity of that, and, you know, there is no way to do any blanket approach to anything. That works perfectly well all the time but I think that's an important point to look at. [TAPE 2, SIDE B]

And I think it would be important to have facilities required to report how many workers are actually exposed to these TRI chemicals above the normal background levels. And also, some sort of an evaluation of how people in the nearby communities are being exposed to these kind of chemicals. One of the earliest things I ever learned in environmental management back in the early '70s was a study that showed that the people that work in plants that produce vinyl chloride were getting this rare kind of liver cancer that was caused specifically by that, you know, the chemical at the plant. And then it turned out that people living in the community nearby had the same rate of this rare liver cancer that was only caused by that chemical, and of course the people that lived by the plant didn't have any economic, you know, any incentive there, they were just getting killed. And I think it's important to track those kind of things.

And I think that's pretty much my comments for today. I appreciate the opportunity.

MS. DOA: Thank you very much, are there any questions? None.

MS. PRICE: Okay, I think we have Carol Mullen?
MR. BRITTLE: Thank you.
MS. DOA: Thank you.
MS. PRICE: Thanks, Steve. Carol Mullen? No, okay. I know Henry Clark is here.
MR. CLARK: Good morning, my name is Henry Clark, I am the executive director of the West County Toxics Coalition based in Richmond, California. I am also here to make some comments in my capacity as the environmental representative on the Contra Costa County Hazardous Materials Commission and as a council member of the North Richmond Municipal Advisory Council.

First of all, I'm glad to see that you have the meeting set up today where people could call in and make some comments to better involve public participation. Unfortunately, many of the community residents that I work with in communities in Richmond, North Richmond, Parkchester Village and as far as Pittsburgh, California, which I happened to come from Pittsburgh this morning to this meeting, did not have access to this particular meeting and these are communities that actually live around refineries and chemical companies and hazardous waste dumps and are exposed to these particular chemicals that we're talking about being reported. We have to remember this is not just an intellectual exercise of reporting chemicals, only that we are concerned about these chemicals being reported and reduced is because of the threat on public health and the other environmental problems that they cause. So in that context I think we should keep this discussion seriously focused.

One of the other concerns that I have with the TRI program and the training for Community Right to Know, it revolves around the public participation and adequate public participation. I know I attended a workshop here at the regional office several months ago now, and, you know, we were all sitting in a room in front of computers, but none of us ever touched the computer, the only person that actually was working on the computer was the EPA lady that was conducting the workshop. And I thought it very strange and unusual to be sitting in a meeting for three hours to learn how to access information from the TRI and never touch the computer that was in front of me. So I didn't think that was very adequate public participation actually.

In terms of the chemicals reported, from a community perspective, from living in a community near refineries and chemical companies and hazardous waste dumps and working with the residents, I know that we were concerned first of all with knowing each and every and all chemicals that we are exposed to. We don't feel that it does us any good to say if we are exposed to 1,000 chemicals in our community that can make us sick or that can possibly kill us or effect our health in some negative way, we don't feel that we should just know ten of those particular chemicals or twenty or thirty, you know, and there's a long list of other chemicals that are not reported for whatever reason that

they are not used beyond some threshold level or some other reason why they are not reported or where the community is not aware that we are even exposed to these chemicals. We think that, first of all, that's a big gap there, we want to know exactly everything that we're exposed to that can effect our health because we value our health and our lives and the lives of our future generations. We certainly want to know what type of health effects these chemicals have on us, now and future generations, so we also want to know what the companies are doing to reduce these chemicals that we are being exposed to and we want the information to be put in a useful form so that our communities can use it. I know that I received two of the TRI disks and, you know, me being probably one of the more diligent persons in the community to try to keep up with information, it was a very discouraging experience. First of all, one of the disks did not have any information on it and it was just like going through a maze to get the information. If we want the community to really have the right to know, we have to put the information in a form where the community can easily access the information. Particularly you have to address the question of who you're making the information available to. You know, a lot of the people who the information is available to, even many of my colleagues who testified this morning, you know, don't actually live in the communities where the people are exposed, in those communities in many cases they don't even have a computer in many cases at all to even access the information if it was available to them. So all of those types of questions have to addressed in terms of the community's right to know.

I won't go into some of the other concerns that I have that was indicated in the comments that the Working Group on Community Right to Know had submitted. And I agree with those particular concerns and I'll conclude my comments. Thank you.

MS. DOA: Thank you, are there any questions? Who's next?

MS. PRICE: Let's see, I think we've got Ken Leiserson?

MR. LEISERSON: Yes.

MS. PRICE: Your next.

MR. LEISERSON: Good morning, my name is Ken Leiserson, I'm an engineer with the Environmental Defense Fund which is a non-profit research and advocacy organization which is nationally based. EDF believes that any potential revisions to EPA form R should enhance the source reduction emphasis of the form and should not diminish information that is now used by the public to understand the details of multimedia waste generation and subsequent waste management. Along those lines I would like to first discuss EDF's views with respect to section 8 of form R which covers source reduction and then I'll respond to some issues raised by the issue paper which was released by Michelle Price and finally describe some improvements to the form R that should be included in any form revisions.

Source reduction. The first and perhaps the most important change to the form R to enhance source reduction is to require facilities to report in section 8 the total quantity of chemical entering any waste stream. Currently they report the components of that which are sections 8.1 through 8.7, but they should be required to sum up those components and report that. The Pollution Prevention Act also requires reporting of percentage change in this quantity from the previous year, which the EPA should also likewise add to section 8.

Currently, because reporting facility staff are not forced to add up the quantities, the public are often unaware of the annual total production waste quantity, though they are aware of section 8.1's quantity released. As a result, reductions made by facilities as a result of TRI often focuses on reducing quantity released using most often pollution control rather than total production waste through source reduction.

To address the section 8 concern raised by EPA and the Federal Register Notice in the subsequent issue paper about waste generated off site but managed at the reporting facility, EPA should simply require reporting of the quantity of total production waste not generated at the reporting facility. This is particularly important with the inclusion of solvent waste recycling and handling facilities where waste might not be produced on site but is imported. For many or most of the manufacturing plants this quantity will probably be zero.

Another critical addition to section 8 to enhance source reduction is to require reporting of the quantity of a toxic chemical contained in product. This information would be valuable for three reasons: 1) The quantity in products frequently offers opportunities for source reduction if the public and decision makers are aware of these amounts; 2) vast quantities of so-called products may be transferred off site for energy recovery or recycling, and it is useful to track this product change to see whether source reduction options have been explored, for instance, if a company's waste can be utilized by another facility, can be sold to another facility for whatever reason it can be considered a product, and to be able to track the hazards in that product is essential; 3) in some cases products pose toxic chemical release hazards to consumers. In addition, EPA form R needs to require facilities to report actual quantities of waste not generated by source reduction activities. Currently facilities report whether they have engaged in any source reduction activities for a toxic chemical during the reporting year and, if so, report the type of source reduction activities and the methods to identify activities and codes, but they do not report the quantities not generated through each type of source reduction activity. Quantity of waste not generated because of source reduction activities is valuable to the public and to companies for two reasons. The reported production ratio or activity index might not reflect the process where source reduction occurs, so the quantity not

generated through each type of source reduction activity can't be calculated, we can't tell how effective these processes are. A comparison of quantities and, number two, a comparison of quantities not generated can identify the most effective type of source reduction activity and the methods used to identify this activity.

Finally, current section 8.10 needs to require facilities to identify the substitute chemicals used when code W42 is employed or W42 refers to substituted raw materials. And when that's reported as a source reduction activity we need to know what has been substituted. In the absence of such reporting, raw material substitutions may merely replace one toxic chemical for another.

One note on data quality in section 8, it would be very helpful for the EPA to better differentiate in its reporting instructions between in process recycling and on site recycling; in process recycling is source reduction, on site recycling is not source reduction. In addition, EPA form R instructions need to provide better guidance on how to calculate the quantities undergoing in process recycling and on site recycling.

In summary, for source reduction activities, EDF suggests that EPA implement the following changes. Just to go over it once again, require reporting of total production wastes whose components are already reported, require reporting of total production related wastes not generated at the reporting facility, require reporting of the quantity of a toxic chemical contained in the product, require reporting of the actual quantities of waste not generated by source reduction activities. Require reporting of substitute chemicals used, develop better reporting instructions concerning in process and on site recycling.

I heard there was a ten minute limit, am I doing okay?

MS. DOA: I think so.

MR. LEISERSON: Okay, I really don't want to cut off community groups who might have more personal comments, because what I'm moving onto now are the responses to potential changes in section 5 and 6. Based on the information in the issue paper and Federal Register Notice, it appears that most concerns with the term release raised by the EPA are related to public data dissemination and the resulting interpretation rather than the content of form R sections 5 and 6. EDF's interest is in seeing the information about waste management in sections 5.5 and 6.2 be as specific as possible, perhaps requiring the use of additional codes, and then developing an appropriate dissemination interpretation strategy for these data. The term release is defined in the statute in EPCRA section 329 subsection 8, and all facilities, all releases fitting its broad criteria need to be reported as such.

EPA's issue paper questions whether the chemicals reported as total quantity transferred to POTWs in section 6.1.A of form R should be broken down by facilities and into quantities released from POTWs which are

the amounts that pass through sewage treatment plants into air, water and sewage sludge and quantities treated by POTWs which are amounts transformed into nontoxic compounds in the treatment plant. This proposal is problematic and the EDF opposes it because different chemicals have different pass through transformation proportions depending on chemical complexity, composition, volatility and other chemical specific factors which are effected by the treatment plants having different processes and process efficiencies. Thus, any guidance on chemical pass through and transformation would necessarily represent only what would occur at a standardized treatment plant and not what would occur at a particular location.

Moreover, should this precedent ever be extended to other types of off site waste treatment management, huge additional inaccuracies would be extended to other types of off site waste management, excuse me, huge inaccuracies would be injected into the TRI reporting system since reporting facilities might only have very imprecise knowledge of the treatment and recycling efficiencies by chemical compared to that known by waste management facilities who will now be reporting to the TRI under phase II.

More generally, EDF strongly endorses the following improvements to EPA form R and the TRI program in general.

Peak release reporting, EPA should require peak release reporting on form R, that is reporting of the largest quantity released to the environment at one time to help public assess and address the human health and environmental effects of acutely toxic chemicals released by facilities. Additionally, EPA should require reporting from facilities on the number of times these peak releases occur in a year. This relatively modest request for additional information would be extraordinarily useful for comparative analyses of acute hazards and risks from facilities because current TRI reporting only can be used for comparative analyses of chronic hazards and risks.

Threshold issues. On threshold issues, EPA should not raise the reporting threshold under form A because to do so would deprive communities of the basic right to know information that is now required to be reported under EPA form R. Likewise, the manufacture, process and otherwise use of thresholds need to be lowered. Right now rural states have little information under TRI about polluting facilities since most larger plants in these states do not meet these thresholds.

Chemical use reporting, last but definitely not least, EDF would like to reiterate its support for requiring materials accounting under TRI, most importantly to help identify source reduction opportunities and improve data quality. And the last one would be a key identifier for facilities that might be used beyond TRI to also identify other facilities that report to the EPA under different statutes, which would simplify data handling and processing and make it much easier for the

public to sum up the contributions of certain facilities' activities and get a better idea of the hazards in their own neighborhoods.

Thank you very much for this opportunity to comment on potential EPA form R revisions and the TRI program in general.

MS. DOA: Thank you, are there any questions?

MS. COLBERT: I just wanted to get some clarification on the not generating one, could you elaborate on that.

MS. DOA: Could you say your name again?

MS. COLBERT: Regina Colbert.

MS. DOA: Regina Colbert asks if the speaker could restate his comment on waste generated.

MS. COLBERT: On the non generated quantity.

MS. DOA: The source reduction quantities, the quantitative source reduction, if you could comment on the quantitative source reduction.

MR. LEISERSON: Basically if currently facilities report whether they have engaged in source reduction activities, and there's a field that says source reduction activity and the methods to identify activity, but they don't state how much of a chemical was not produced by that source reduction activity. So, for instance, this would help us identify which source reduction activities are most effective for which chemicals because these facility operators definitely know more about how to reduce these individual chemicals and they know more about it than anybody else, and so that would help us identify the best ways to reduce the production of certain toxins.

MS. DOA: I actually have a question, it's a clarification question, my name is Maria Doa with EPA. You said, I think for purposes of section 6, that EPA shouldn't change quantities sent off site to a POTW to break it down based on treatment efficiency. But in the waste management section of the form, section 8, except for metals, currently the guidance is to report everything in the part of the form that's treatment, treatment for destruction, so everything, even if it's passed through. So does your comment on not using these efficiencies also pertain to that?

MR. LEISERSON: To metals?

MS. DOA: No, no, no, let me step back.

MR. LEISERSON: I didn't quite understand the question I think.

MS. DOA: Right now, except for metals which get reported in section 8.1, quantity released, because you can't destroy metal, all other quantities sent to a POTW in section 6 of the form are reported in section 8.7 of the form which is quantities sent off site for treatment, like for destruction, even though, as you said there were varying treatment efficiencies. And it wasn't clear to me in your comments whether you also were against any sort of breakout between 8.1 and 8.7 in section 8. I'm sorry if this sounded too complicated.

MR. LEISERSON: No, I think that we would like to see the efficiencies, basically I think that we want

to see as much information as possible about this, we want to make sure that when people specify what is being passed through that they know the efficiency of the process in reducing those chemicals. And to extend that to other treatment plants makes sense in the short-term, but in the long-term these plant operators won't be able to apply the general form R reporting instructions to their operations. So I would say that, yes, it does hold for off site treatment facilities as well as POTWs.

MS. DOA: Okay, thank you.

MR. LEISERSON: I'm not sure I quite answered that.

MS. DOA: Well, maybe I can talk to you after this if you're still around.

MR. LEISERSON: Okay.

MS. DOA: Okay, thank you.

MS. PRICE: Any other questions? Okay, I have two people here that weren't here when I called their names originally, I'll see if anyone of them is here now. Matthew Law or Carol Mullen? We're pretty much done with the people who had been registered to speak, is there anybody else who would like to make a comment that didn't sign up or anything else? Yes, please.

MS. MALLOY: I'm Elizabeth Malloy with BHP Copper, and I'm new to TRI and I'm coming from a public policy standpoint and I'm not really even as familiar as I probably should be with the concerns of our operations in Arizona and Nevada. I have a question about enforcement and industry self regulation, which is, I mean I'm aware of the variations in reporting across my industry for what we currently report on, which is smelting, and it just so widely varies and we've had variations based on reinterpreting or being told that we can interpret the guidance in one way from one year to the next. And it sort of concerns me that there is not, I mean it's really on industry I think to get together to establish what we consider how we interpret the guidance. But it doesn't say, I mean I think, maybe it's industry's problem that perhaps, and I think this probably applies to the other industries that currently report, rather than getting together and figuring out who reports, who interprets what one way and who interprets the other, there might be more of a competition going on to try and look better than, you know, your neighbor. So I mean that's what I'd like to see addressed, I don't know if other sectors that have reported in the past have gotten together as I'm envisioning, perhaps even with the environmental groups. I know it was Greg Karras who spoke earlier, is that right, spoke about dioxin. I don't know about refining and how, you know, how necessary the process that releases dioxin is and how far these companies have gone to reduce or to eliminate its use altogether, but if there is an acknowledgement that it can't be phased out today, is there a way to get together to figure out what's acceptable through the science and, you know, cost. So this is just a very general, I don't know, optimistic question and comment, but it's something I personally would like to see in my own

industry and I'm going to try and, you know, attack it from a different angle than maybe we have in the past. And I'd just like to hear if you have any comment about that and, you know, some hope. And if this, like I said I'm new to this so I'm here to be educated as well.

MS. DOA: Okay. Maybe I don't have enough information, this is Maria Doa from EPA, I think maybe I don't have enough information on what you're talking about, the guidance, but let me say one of the things that we are doing on guidance is that we're trying to come out with a number of documents, one in particular specific to metal mining, one to coal mining, for each of the new industries by the end of the month.

MS. MALLOY: You meant revised from what --

MS. DOA: Just the draft and then there will be a formal notification on that and then there will be a version with the questions that have come up in the trainings. I don't know if you're familiar, we're doing trainings around the country, that's another way we're trying to get at the guidance issue. There's a basic interpretive guidance document for the program that will be available, there will be a federal register notice on that at the end of the month. So we are trying to come out with a lot more written material that will probably address some of the concerns.

MS. MALLOY: So I'm thinking, my example was smelting and it might be any other where one company might interpret the guidance one way, even though you might be as specific as you can be in the trainings that occurred, you know, for these other sectors or for the ones that are in the expansion. But you, I think there can be a wide variation in interpretation, I don't know, maybe this is just unique to the smelting companies that I've sort of seen numbers on. But they vary so widely and there can be, you know, the way waste rock's interpreted, you can define your reserves based on trying to eliminate a huge chunk of your reserves from reporting so they are overburden rather than waste rock. I mean there are, I mean you can create loopholes. So my concern is that industries are not going to get together and self monitor but instead will without being audited, without real enforcement, cheat. And if anyone else has any comment on this or can help me kind of voice this concern, I'd appreciate it.

[TAPE 3, SIDE A]

MS. DOA: This is Maria Doa again, maybe I just have a question. So there's a regulatory definition of overburden and there was a description of waste rock in the preamble. So even given that regulatory definition you believe it's broad enough where people are interpreting it one way or another. And that it would be good for the industry to get together with communities, with each other to talk about the interpretations of this definition. Okay.

MS. WINIK: My name is Leslie Winik and I'm with the Chemical Manufacturers Association, and I'd just like to comment on some of the remarks that you

made. I think what you are perceiving within your industry is very normal because you are so new to the reporting requirements. You folks are just in that sort of, oh, my gosh, now we have to report, what do we do, how do we get together and standardize all of our reporting so that we're all working on the same sheet, to how do we interpret the guidance, how do we work with EPA to make sure that everything is standardized. I really encourage you to work through your trade association, there is an opportunity there for you folks to do some standard setting within your industry to make sure that everyone is on the same page.

Now, with the Chemical Manufacturers Association we did that early on and I'm sure we experienced a lot of what you are describing way back when we first got pulled under the reporting requirements. We still experience that in terms of definitions of waste, EPA has not finalized their guidance and waste definitions, and so we still have different industries reporting different things on what they consider a waste stream. What we did as a trade association is get together representatives from our industry and develop the Waste Stream Criteria Guidance which is specifically for chemical manufacturers and will help standardize the waste numbers for our industry. I guess I can only recommend that you work through your trade association, as time goes on you'll pull it all together. You folks have only been in for four, five, six months now; when was that rule final?

MS. DOA: May 1st.

MS. WINIK: May, okay, thank you. So you've got some time to work that out, your first reports aren't due till next year and getting that trade association together right away would be good.

MS. DOA: And we certainly would be willing to sit down with you to talk about this. Any other questions? Any other speakers? No? Well, thank you very much for coming in and speaking today, we really appreciate the input on this and we think it's really going to help the TRI program become even more useful in the future. Thank you.

MS. PRICE: Thanks.

[END OF RECORDING]